

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

LELAND BOOTHE,

v.

NATHANIEL QUARTERMAN,

§
§
§
§
§

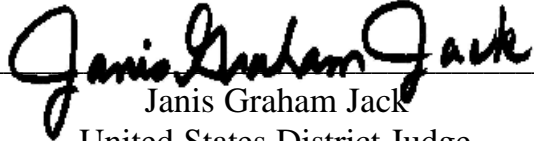
C.A. NO. C-06-221

ORDER VACATING ORDER SEALING MEDICAL RECORDS

On December 23, 2006, the magistrate judge granted respondent's sealed motion to file petitioner's medical records under seal, ostensibly, to protect the rights and privacy of petitioner. (Sealed D.E. 40, 43, 44). Petitioner has moved to vacate the order and to unseal his medical records. (D.E. 48). Petitioner argues that his right to disclosure outweighs respondent's right to protect him from any embarrassment, and that his medical records are necessary to establish his limitations defense. Id. Respondent has filed an advisory to the Court confirming that his sole purpose in filing the documents under seal was to protect petitioner's privacy. (D.E. 56). Respondent also points that he has conferred with petitioner's recently appointed counsel, and that both parties are in agreement that release of petitioner's medical records is appropriate.

Accordingly, petitioner's motion to vacate the order sealing his medical records (D.E. 48) is GRANTED. The order sealing petitioner's medical records, (D.E. 43), is VACATED, and petitioner's medical records are ordered unsealed.

Signed this 7th day of February, 2007.


Janis Graham Jack
United States District Judge